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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of the Mission's mandate. The present report covers the activities of UNMIK, and developments related thereto, from 16 September to 15 December 2009.

II. Political situation and Mission priorities

2. In all of my reports in 2009, I have informed the Security Council about the gradual adjustment of the presence, profile and priorities of UNMIK as a result of the changing circumstances on the ground since Kosovo's declaration of independence and the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo. The strategic goal of UNMIK remains the promotion of security, stability and respect for human rights in Kosovo and in the region through engagement with all communities in Kosovo, as well as with Pristina and Belgrade and with regional and international actors. During this period, UNMIK has continued to support minority communities, to encourage reconciliation and to facilitate dialogue and regional cooperation. The Organization for Security and Cooperation in Europe (OSCE) and EULEX have continued to perform important roles within the framework of Security Council resolution 1244 (1999).

3. In line with the Security Council's presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), EULEX has continued to operate under the overall authority and within the status-neutral framework of the United Nations. UNMIK and EULEX, as well as the Kosovo Force (KFOR), regularly exchange information and coordinate effectively at the operational and strategic levels.

4. The International Court of Justice held public hearings from 1 to 11 December on the question of the "Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo (request for advisory opinion)", pursuant to General Assembly resolution 63/3. Delegations from Belgrade and Pristina addressed the Court on 1 December. In

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addition, representatives of 27 States, including all five permanent members of the Security Council, participated in the oral proceedings.

5. Since my previous report to the Security Council, dated 30 September 2009 (S/2009/497), two additional States have recognized Kosovo, bringing the total to 64. The Assembly of Kosovo gave its approval to Kosovo's budget for 2010, which amounted to €1.46 billion, reflecting a 6 per cent rise compared with the 2009 budget.

6. On 15 November, the Kosovo authorities organized mayoral and municipal assembly elections. UNMIK was not involved in the organization of those elections. International observers found that they adhered to democratic standards, despite some irregularities.

7. Following the first round of voting, the Democratic Party of Kosovo (PDK), the largest party in Kosovo's coalition government, signalled its willingness to find another coalition partner in lieu of the Democratic League of Kosovo (LDK), which proved to be its main rival in the elections. Subsequently, PDK and LDK renewed their commitment to continuing the current government coalition. In a separate development, members of an opposition party alleged that an individual claiming to have been on the payroll of a former intelligence service run by PDK had committed criminal acts, including the murder of political opponents. Kosovo authorities stated that the law would take its course on the issue, and EULEX placed the suspect under house arrest. While the issue appeared to stir public opinion, it had limited effect on the second round of the mayoral elections.

III. Engagement with Pristina and Belgrade, and practical arrangements

8. UNMIK remains committed to facilitating the engagement of all sides in order to find practical solutions to issues of mutual concern. During the reporting period, my Special Representative and his senior managers, with the support of the United Nations Office in Belgrade, met in November with Serbian President Boris Tadic and several times with other senior Serbian officials, who continued to be fully engaged. European Union and EULEX experts continued to lead technical discussions with the Serbian authorities in the rule-of-law area, keeping the Mission regularly informed of the outcomes.

9. There was an improvement in the Mission's relations with the Kosovo authorities, which had opted to maintain very limited contacts with my Special Representative during previous months. In Pristina and on the margins of international meetings, my Special Representative met with high Kosovo officials, including with President Sejdiu, in October, and with Prime Minister Thaçi, in December.

10. Despite the cooperation with all sides, agreement has proved difficult in such areas as justice, customs and cultural heritage. UNMIK continued its efforts to find durable solutions aimed at the protection of Serbian cultural heritage in Kosovo. In September, October and November, my Special Representative and Mission officials discussed this matter with authorities in Belgrade. UNMIK also engaged extensively with the main international stakeholders, above all the European Union, which has taken a leading role in this area. The joint efforts of the international community in

search of a formula regarding cultural heritage ensured that considerable progress was achieved. This could lead to eventual agreement in Pristina and Belgrade.

IV. Northern Kosovo

11. The UNMIK Office in Mitrovicë/Mitrovica continued to function as a go-between for Kosovo Serb municipal leaders and the Kosovo Albanian community in the north. The Mission's presence provided Kosovo Serbs with a channel of communication, when required, with the authorities in Pristina. UNMIK also served as a bridge between EULEX and local political leaders, some of whom still refuse, albeit not as vehemently as before, to communicate directly with EULEX. The European Union designated the Italian Ambassador to Kosovo to facilitate and coordinate Union activities in the north.

12. Positive developments were noticeable with regard to the return of Kosovo Albanians to the Kroi i Vitakut/Brdjani area in the northern part of Mitrovicë/Mitrovica, which had witnessed violence during the summer months. During the reporting period, both communities engaged in the peaceful rebuilding of their homes, while individual Kosovo Albanian owners, as well as authorities of the Mitrovicë/Mitrovica municipality, engaged constructively with UNMIK Administration Mitrovica in order to address pending issues related to returns.

13. During the reporting period, tensions arose regarding the supply of electricity in the north, including the disconnection of the northern municipalities from the Kosovo Energy Corporation network, with Electric Power Industry of Serbia stepping in. That issue drew public attention and fuelled concerns in a range of quarters over possible implications. Operational consultations between Kosovo Energy Corporation and Electric Power Industry of Serbia are ongoing with a view to finding a satisfactory longer-term solution, in the absence of which the possibility for instability remains.

14. On 29 November, Serbia organized by-elections in the northernmost municipality in Kosovo, Leposaviq/Leposavić, in order to fill vacancies created following the removal of the municipal government elected on 11 May 2008. UNMIK was not involved in the organization of those elections, which were not called by my Special Representative. The Kosovo authorities stated that they would not recognize those elections. On the other hand, the elections organized by the Kosovo authorities on 15 November had no real political impact on the north, with virtually no turnout of Kosovo Serbs there.

V. Elections and decentralization

15. The municipal and mayoral elections organized by the Kosovo authorities marked an important step in the process of decentralization. Elections were held in 36 municipalities — six more than in the local elections held in November 2007 — and included the former pilot municipal units of Junik, Mamushë/Mamuša/Mamuşa and Hani i Elezit/Đeneral Janković, now considered full-fledged municipalities, as well as the new Kosovo Serb-majority municipalities of Gračanica/Graçanicë, Kllokot/Klokot and Ranillug/Ranilug and the expanded Novobërdë/Novo Brdo municipality. The elections for the envisaged new municipalities in northern

Mitrovicë/Mitrovica and Partesh/Parteš were postponed, owing to insufficient progress having been achieved in gaining support for decentralization in those areas.

16. The 15 November elections were organized directly by the Kosovo Central Election Commission. The OSCE mission provided technical support to the Commission in the preparations for the elections and to the Election Complaints and Appeals Subcommission in the development of procedures for the processing of complaints, but had no role in the counting process or in election-day activities.

17. Voting took place without major incident. Political entities running in the elections filed some 150 complaints with the Election Complaints and Appeals Subcommission after the first round of voting, alleging procedural violations at some polling stations and contesting some results announced by the Central Election Commission. After considering those complaints, the Subcommission annulled results for 15 polling stations, out of a total of 2,256. Voters residing outside Kosovo, including internally displaced persons, were invited to apply to the voting-by-mail programme. By the 13 November deadline, the total number of by-mail ballots received had reached 338.

18. Approximately 23,000 observers, some 600 of whom were international observers, monitored the elections. The largest international monitoring mission for these elections, the European Network of Election Monitoring Organizations, issued a statement on 16 November, noting that the elections had been "held in a calm and orderly atmosphere marked by some breaches of procedure". The Network concluded that the elections had met many of the international standards for elections and that the Central Election Commission had shown a "high level of commitment during the preparations for the elections".

19. The two leading Kosovo Albanian parties, PDK and LDK, slightly improved their electoral support, while the opposition Democratic League of Dardania and New Kosovo Alliance parties lost some of their support; the Alliance for the Future of Kosovo (AAK) doubled the number of its supporters.

20. Before the elections, the Belgrade authorities repeatedly stated that conditions that would have enabled Kosovo Serbs to vote did not exist, that the elections were not in line with Security Council resolution 1244 (1999), and that therefore they would not call on Kosovo Serbs to vote. The Serbian President made clear, however, that the current government would not stigmatize those Kosovo Serbs who chose to participate. The Assembly of the Association of Serb Municipalities and Settlements in Kosovo and Metohija called on Kosovo Serbs to boycott the elections on the grounds that participation would imply recognition of Kosovo's declaration of independence.

21. Kosovo Serbs south of the Ibar River participated in the elections in larger numbers than in 2004 and 2007. In the predominantly Kosovo Serb municipalities of Novobërdë/Novo Brdo and Shtërpce/Štrpce and in the newly created municipalities of Graçanicë/Gračanica, Kllokot/Klokot and Ranillug/Ranilug, 6,022 voted in the first round. According to the Central Election Commission, the turnout of voters — not identified by ethnicity — in Graçanicë/Gračanica, Kllokot/Klokot, Novobërdë/Novo Brdo and Ranillug/Ranilug was approximately 23, 25, 13 and 25 per cent, respectively, in the first round. In Shtërpce/Štrpce, the mayoral run-off elections witnessed a significant increase in voter turnout, from 30.91 per cent in the first round to a preliminarily reported 54.26 per cent on 13 December. The

Independent Liberal Party dominated the elections in the Kosovo Serb municipalities, electing the mayors in four of them (Graçanicë/Gračanica, Klokot/Klokot, Ranillug/Ranilug and Shtërpce/Štrpce). On the other hand, turnout in the northern municipalities of Zubin Potok, Zveçan/Zvečan and Leposaviq/Leposavić, as well as in northern Mitrovicë/Mitrovica, was negligible.

VI. Security

22. The overall security situation in Kosovo remained relatively calm, but potentially fragile. The electoral campaign, which began on 15 October and lasted until 14 November, was generally peaceful, despite some politically motivated incidents, including acts of vandalism, theft and assault. On 11 November, the members of the Kosovo Prime Minister's special protection unit were attacked by a group of AAK supporters, who pelted them with stones and eggs as they were escorting him from a political rally in Deçan/Dečani. On 12 November, a hand grenade was thrown into a workshop owned by a Kosovo Serb mayoral candidate for Zveçan/Zvečan; only material damage was reported. The same day in Mitrovicë/Mitrovica, unknown persons opened fire at the vehicle of the AAK mayoral candidate, who sustained no injuries. No significant security incidents were reported on election day. In an election-related incident on 30 November in Gjakovë/Đakovica, the LDK offices were damaged and the archives destroyed as a result of what was suspected to be arson.

23. On 13 October, a Kosovo Albanian from Gjakovë/Đakovica was beaten by unknown persons near the main bridge in northern Mitrovicë/Mitrovica. The same day, in a separate incident, two Kosovo Albanian residents of Mitrovicë/Mitrovica were attacked in the northern part of town; one of them suffered extensive bodily injuries. On 30 November, occupants of a vehicle bearing Kosovo registration plates fired randomly at pedestrians in the Three Towers mixed area in northern Mitrovicë/Mitrovica. No injuries or material damage was reported.

24. On 16 September in Gjilan/Gnjilane, Molotov cocktails were thrown at two vacant EULEX vehicles, and one of the vehicles was torched as a result. On 24 September, a EULEX convoy heading towards gate 31 in northern Kosovo was fired at from an unknown direction, but no injuries were reported. A large number of EULEX vehicles and some UNMIK vehicles were vandalized during this period.

25. The number of incidents affecting minority communities appeared to have decreased in comparison with the previous reporting period. The most noticeable incidents affecting the Kosovo Serb community occurred in Gjilan/Gnjilane municipality. On 16 October, fire broke out on the premises of the Serbian television company TV Plus, near Shillovë/Šilovo. The fire caused substantial damage to the telephone networks of Telenor and Telecom Serbia and resulted in a breakdown of communication lines in Kosovo Serb villages in south-eastern Kosovo; the mayor of Gjilan/Gnjilane publicly condemned the incident on 20 October. On 10 October, unknown perpetrators lobbed an explosive device into the compound belonging to the family of a Democratic Party of Serbia activist and former Minister in Kosovo. The explosion caused damage to the house but no injuries to the occupants.

VII. Rule of law

26. The UNMIK Rule of Law Liaison Office continued to enjoy good cooperation at the technical level with the ministries of Justice and Internal Affairs.

27. On 30 September 2009, the Minister of Justice adopted an administrative instruction on international legal assistance. Although the administrative instruction provides for the Ministry of Justice to directly process all requests for international legal assistance, UNMIK continues to act as a facilitator.

28. The Mission, in close cooperation with the Kosovo authorities, continues to provide certification services to habitual residents of Kosovo required to provide such certification by relevant authorities outside Kosovo. Those services include primarily the certification of civil status, pension and academic documents. Some difficulties continued to be encountered with the certification of academic documents.

29. An increasing number of Kosovo Serbs have applied for — and many have already received — Kosovo identity cards and other civil status documents. According to the Kosovo authorities, the number of Kosovo Serbs who have obtained such cards, which were first issued on 10 October 2008, has reached 10,482, and the total number of Kosovo Serbs who have obtained Kosovo-registered plates for their vehicles is 10,455.

30. The job descriptions of the deputy directors of the Kosovo Police have been finalized. The Kosovo Serb deputy director general will be in charge of, inter alia, evaluating the organizational performance of police, auditing and internal inspection, addressing gender and human rights issues, and planning and coordinating activities of police from all communities and encouraging their integration into Kosovo Police structures.

31. UNMIK maintains one forensic expert to ensure cooperation at the technical level with the Office on Missing Persons and Forensics. From September to the end of November, the Office conducted 37 field operations, resulting in 18 exhumations. In addition, 19 bodily remains were returned to the victims' families. The Mission also participates in the Pristina-Belgrade Working Group on Missing Persons and the Sub-Working Group on Forensics, both chaired by the International Committee of the Red Cross, with the agreement of all concerned parties. During the reporting period, one session of the Sub-Working Group on Forensics and one session of the Working Group on Missing Persons were held.

VIII. Returns

32. The number of returns remained very low, despite the efforts of all parties to encourage them. The total number of voluntary minority returns from areas of displacement in Kosovo, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina between January and November this year was 1,015. According to statistics of the Office of the United Nations High Commissioner for Refugees (UNHCR), 333 displaced minority community members returned to Kosovo between September and November, compared with 135 individuals during the same period last year. These numbers include

148 Kosovo Serbs, 162 Kosovo Roma, Ashkali and Egyptians, 18 Kosovo Goranis and 5 Kosovo Bosniaks.

33. During the reporting period, 831 individuals, including 685 Kosovo Albanians, and 146 members of other communities, were involuntarily returned to Kosovo from Western Europe, compared with 576 during the same period last year. Of these 831 cases, 49 were considered by UNHCR to be in need of protection. This brings to 2,674 the total number of forced returns to Kosovo between January and November 2009.

34. The number of outreach activities aimed at members of displaced communities has also increased, in a bid to help them make informed decisions about returning to Kosovo. During the reporting period, 257 individuals participated in 24 "go-and-see visits". This gave them an opportunity to visit their properties and make a first-hand assessment of conditions in the receiving community. In addition, 250 individuals participated in a total of eight "go-and-inform visits" to their areas of displacement, in Serbia, Montenegro and the former Yugoslav Republic of Macedonia, as well as within Kosovo.

IX. Cultural and religious heritage

35. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission in coordination with the Council of Europe and the European Commission, ensuring participation in the reconstruction process by the key stakeholders: the Kosovo Ministry of Culture, Youth and Sport, the Serbian Orthodox Church and the Institutes for the Protection of Monuments from Belgrade and Pristina. By October, the Reconstruction Implementation Commission had become part of a new joint programme of the European Commission and the Council of Europe to support the promotion of cultural diversity in Kosovo.

36. On 3 November, the Reconstruction Implementation Commission launched new tenders for the reconstruction of three Serbian Orthodox sites that had been damaged or destroyed by intercommunal violence in 2004: Saint George's Church in Prizren, the Church of Saint John the Baptist complex in Pejë/Peć and Dević Monastery, near Skenderaj/Srbica. The Kosovo authorities have reallocated directly to the Commission accounts €534,000 from the 2009 budget that had not been utilized. The funds will be used for the completion of the reconstruction process in 2010.

37. During the reporting period, several Serbian cultural and religious heritage sites were vandalized. This included the desecration of Orthodox cemetery tombstones in Suharekë/Suva Reka, Skenderaj/Srbica and Klinë/Klina municipalities; offensive graffiti were sprayed on the Orthodox church of Saint Petka in Llapje Sellë/Laplje Selo, near Pristina, and Zočište Monastery, near Rahovec/Orahovac. On 23 October, unexploded ordnance was found at the Orthodox cemetery in Staro Gracko/Grackë e Vjetër and was deactivated by KFOR. The recently renovated Serbian Orthodox church in Donja Budriga/Budrike e Poshtme village, in Gjilan/Gnjilane municipality, was burgled on 6 November.

38. UNMIK continued to promote the establishment of dialogue between Kosovo Energy Corporation and the Serbian Orthodox Church in order to find a durable solution that would enable the company to restore power supply to the monastic communities throughout Kosovo. KFOR is making preparations for a gradual

"unfixing" of static security from cultural heritage sites permanently guarded by its troops, pending approval by the North Atlantic Council of the North Atlantic Treaty Organization (NATO). The responsibility for the guarding of the sites is expected to be handed over to the Kosovo Police, while KFOR will maintain responsibility for ensuring a safe environment overall around the sites.

X. Community issues

39. UNMIK continues to provide support to the Kosovo authorities, in coordination and cooperation with relevant international actors, to address the critical health risks to Roma, Ashkali and Egyptian internally displaced persons living in Osterode and Çesmin Llug/Ĉesmin Lug camps as a result of lead contamination in the north. The Mission redoubled its efforts to engage with community leadership in all affected camps, through coordination meetings and a joint site exploration visit, to encourage greater participation in the forging of acceptable temporary and permanent solutions and measures aimed at the eventual closure of the camps.

40. The electoral period provided an opportunity for Kosovo Albanian leaders to reach out to non-majority communities. Authorities in most of the mixed municipalities throughout Kosovo conducted outreach activities aimed at the Kosovo Serb community in order to persuade them to participate in the local elections. In Klinë/Klina, the Mayor met with Kosovo Serb leaders to express his readiness to work together with the representatives of all communities and invited them to participate in the local elections as a way to strengthen their role in the decision-making process. In Pejë/Peć, the Mayor held meetings with Kosovo Serbs in Gorazhdevc/Goražd evac, reportedly offering them senior municipal positions conditioned on their participation in the elections. In Rahovec/Orahovac, where Kosovo Serb participation in the 15 November local elections has been relatively significant, the deputy mayor for communities and the head of the municipal community office held several separate meetings with Kosovo Serbs.

XI. Human rights

41. In late September, the Director-General of Radio Television Kosovo, the public broadcaster in Kosovo, resigned, alluding to pressures endured throughout eight years of service. Local and international groups expressed the concern that the resignation had been the result of undue political pressure, and, in a public letter the European Broadcasting Union accused the Kosovo authorities of having subjected Radio Television Kosovo to relentless political and economic interference. The Kosovo authorities refuted the allegations, stating that the broadcaster had not been under the control of the government or any political party and that it had aired programmes highly critical of the government.

42. On 2 October 2009, the Pristina District Court found three former Kosovo Liberation Army members, known as the "Llapi group", guilty of torture and inhumane treatment of prisoners at a camp near Podujevë/Podujevo. A number of Kosovo senior officials publicly criticized the verdict, prompting concerns over political interference in the judicial process.

43. On 12 October, the Kosovo authorities launched a much-needed television campaign to promote the Anti-Discrimination Law. The initial stage of the campaign focused on age and sexual orientation, among the least understood bases for discrimination.

44. UNMIK issued administrative direction No. 2009/1, implementing UNMIK regulation No. 2006/12 on the establishment of the Human Rights Advisory Panel. The direction sets 31 March 2010 as a cut-off date for the submission of complaints to the Panel and clarifies issues related to the admissibility of complaints, the appointment and resignation of Panel members and the conduct of public hearings. To date, the Panel has received a total of 482 cases, of which 452 are pending and 30 are closed.

XII. External representation

45. UNMIK continued to facilitate Kosovo's engagement in international and regional forums. The Kosovo authorities reiterated their position that, while it was their prerogative to engage in international and regional forums without the Mission's presence, in cases in which their participation would otherwise not have been possible, they participated alongside UNMIK representatives. During the reporting period, the number of meetings of international and regional mechanisms was considerably higher than in previous periods. UNMIK facilitated Kosovo's participation in more than 25 meetings, covering a range of issues, including energy, trade, transport, justice and home affairs, and cultural heritage. Given the particular importance of regional cooperation for the development and stability of Kosovo and of the region as a whole, the Mission's facilitation role has earned widespread appreciation among host organizations and participants.

46. A solution has not yet been found that would enable Kosovo to participate in the Regional School of Public Administration; this has resulted in the loss of financial assistance to the Regional School, including access to and benefits from a number of its projects. The Kosovo authorities have also refused to participate with UNMIK in the Central European Free Trade Agreement.

XIII. Observations

47. Since my previous report to the Security Council, I have noted a growing acknowledgement by all stakeholders of the reconfigured presence of UNMIK and its useful role in Kosovo on the basis of resolution 1244 (1999). Noting that EULEX assumed its rule-of-law responsibilities in Kosovo one year ago, I am pleased that the positive relationship between UNMIK and EULEX, operating within the status-neutral framework of the United Nations, has continued to be strengthened. I am confident that cooperation with the European Union on all issues related to Kosovo will continue to advance as its role in the region expands.

48. My Special Representative, in close coordination with the European Union, has continued to engage with Belgrade and Pristina in pursuing practical cooperation on issues of mutual interest. UNMIK engagement with Belgrade continued to create opportunities for good-faith dialogue and for the development of

solutions on a range of issues. I also welcome the positive signals sent by the Kosovo authorities regarding a further improvement in relations with UNMIK.

49. However, concrete progress in implementing practical arrangements has been more limited than I had hoped. In particular, I am disappointed that agreement has yet to be reached on the establishment of a mechanism on cultural heritage, which is in the interest of all parties and has been discussed extensively for many months. I therefore urge greater flexibility and pragmatism in approaching this issue of deep importance, and I would be ready to support any constructive initiatives by the European Union in this regard, including the appointment of an envoy.

50. Equally, I expect that Belgrade and Pristina will find ways to put aside status considerations, especially in the pursuit of regional cooperation. I urge flexibility in continuing to define a modus operandi with regard to Kosovo's participation in regional and international mechanisms and forums that are essential to the economic and democratic development and the long-term stability of the region. I commend the tireless efforts of UNMIK in this regard.

51. The municipal and mayoral elections organized by the Kosovo authorities were held in a peaceful atmosphere and did not escalate tensions among the population. I note that international observers found that those elections adhered to democratic standards. I also note that the Serbian President made it clear that Belgrade, despite the fact that it did not support Kosovo Serb participation in the elections, would not stigmatize Kosovo Serbs who would choose to do so.

52. While I am pleased that tensions between Kosovo Albanians and Kosovo Serbs have significantly decreased in the northern Kosovo community of Kroi i Vitakut/Brdjani, the situation in northern Kosovo remains fragile. In particular, inter-ethnic incidents continued to occur in northern Mitrovicë/Mitrovica, which is a cause for concern.

53. The low number and slow pace of returns also continue to raise concern. While not wishing to detract from the efforts made in this field so far, I wish to stress that efforts need to be redoubled to address the reasons behind the low number of returns and to avoid politicizing the plight of the displaced who wish to return home.

54. I would like to express deep appreciation and gratitude to my Special Representative, Lamberto Zannier, for his tireless and good-faith efforts to engage with all parties in order to advance cooperation and reconciliation and to help maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued dedicated work and commitment to Kosovo and to the goals of the United Nations.

55. I would also like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes for their ongoing support for and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of the rule of law and to implement its executive mandate in accordance with its mandate. The Mission completed consultations with the Kosovo counterparts on phase 2 of targeted monitoring, mentoring and advising activities based on the recommendations set out in the report on findings concerning the first six months of such activities, selected action teams, trained them and began the implementation of phase 2, with the full support of the Kosovo authorities.

Significant progress was made with regard to trials and the processing of cases, including those inherited from the United Nations Interim Administration Mission in Kosovo (UNMIK). EULEX prosecutors and investigators focused their action on a number of organized crime and war crime cases as a priority. EULEX judges presided over numerous trials, including several ethnically motivated and war crime trials. EULEX increased its presence in the north of Kosovo, where it has contributed to the establishment of a European Union house. An inventory of case files in the district court in north Mitrovicë/Mitrovica was completed under EULEX supervision. EULEX continued to monitor the reintegration into the Kosovo Police of 318 suspended Kosovo Serb police officers, who returned to work in June. From September to December 2009, the Office on Missing Persons and Forensics, which is jointly led by a EULEX head and a Kosovo head, completed 29 autopsies of war victims and 65 new autopsies. It also handed over 21 bodily remains to families.

EULEX Customs continued to copy data on commercial traffic at gates 1 and 31 in northern Kosovo and extended this activity to cargo carried into northern Kosovo by train.

2. EULEX activities from September to December 2009

General

On 8 December 2009, EULEX had 2,707 staff (1,681 international staff and 1,026 local staff). The Mission continued to implement its monitoring, mentoring and advising activities in the area of the rule of law throughout Kosovo. It also implemented its executive mandate. EULEX has cooperated closely with UNMIK, including on the exchange of information and on issues concerning the north of Kosovo, and has also coordinated its activities with the European Union and other international actors in Kosovo and in the region.

The Kosovo rule-of-law counterparts of EULEX have shown a high level of interest in the planning and implementation of phase 2 of targeted monitoring, mentoring and advising activities. This work is based on the findings concerning

phase I of such activities, which were published in the summer. Training was provided for joint monitoring, mentoring and advising action teams, and implementation has begun. On 3 December, Deputy Prime Minister Kuci expressed his satisfaction with the work programme. EULEX continues to liaise with civil society, including non-governmental organizations, about the targeted monitoring, mentoring and advising actions.

EULEX increased its presence in the north of Kosovo, where it has contributed to the establishment of a European Union house. In September, an inventory of files relating to 3,000 court cases was completed under EULEX supervision in the courthouse in Mitrovicë/Mitrovica, and work on 30,000 prosecutorial files began. However, it has not yet been possible to establish fully operational justice in the north.

European Union member States have decided to establish a human rights review panel for EULEX; it will review complaints from any persons claiming to be the victims of human rights violations committed by the Mission in the conduct of its executive mandate. The recruitment of the members of the panel is in progress.

The dialogue with Belgrade on police, justice and customs matters continued, and a technical arrangement for the exchange of police information was concluded with the Serbian Ministry of Internal Affairs. Exchanges of information have already yielded results in terms of crime detection and prevention.

Police

EULEX launched investigations into priority cases, including those involving fuel smuggling, money-laundering and organized crime. By December, EULEX had obtained access to a number of Kosovo Police and other databases, including criminal and vehicle records, business registry and civil registry databases. In July, EULEX arrested suspects in a case involving intimidation related to organized crime, and in September it arrested suspects in a case related to war crimes.

EULEX assisted the Kosovo Police with the preparations for the planned handover from the Kosovo Force to the Police of responsibility for ensuring the security of the Gazimestan monument and other cultural sites.

EULEX continued to monitor the reintegration, following their return to work late in June 2009, of 318 Kosovo Serb police officers who had been suspended in 2008. The process appears to have gone smoothly, and most officers have now been recertified and assumed their previous positions.

EULEX assessed civil registration centres throughout Kosovo and made recommendations aimed at improving their functioning. EULEX and other international actors worked on a model civil status law compliant with both local and European Union requirements and continued to support the Ministry of Internal Affairs in developing its plans for the establishment of a civil registration agency for data storage and the issuance of documents.

UNMIK and EULEX staff continued to work together in the UNMIK INTERPOL Office.

Justice

EULEX judges, prosecutors, legal officers and law drafters monitored, mentored and advised colleagues in the Kosovo justice authorities. EULEX judges and prosecutors worked on a number of cases received from UNMIK and on new cases, including in mixed panels with Kosovo judges and prosecutors. The cases have involved, inter alia, corruption, organized crime, war crimes, terrorism, inter-ethnic crime, weapon and drug smuggling, and murder.

EULEX continued its work to re-establish justice in the north so that the most urgent cases in Mitrovicë/Mitrovica District Court could be addressed. In July, as a preliminary step, a team of local administrative staff supervised by EULEX began to establish an inventory of the files in the courthouse in north Mitrovicë/Mitrovica, registering and classifying more than 3,000 cases (1,987 criminal cases and 1,065 civil cases) by the end of September. An inventory of 30,000 prosecution files is being compiled. Some of the urgent criminal files identified — for example, cases involving an appeal to the Supreme Court, where the decision ready for implementation was issued but not written — were passed to the Kosovo judiciary. As a second step, a number of the most urgent criminal cases identified by EULEX judges and prosecutors are to be addressed by them in mixed teams with Kosovo Albanian and Kosovo Serb judges and prosecutors. Progress regarding the return of the latter remains critical for the normalization of the Court's operations. For the time being, some of the most urgent cases are being dealt with exclusively by EULEX judges and prosecutors assigned to the District Office of Mitrovicë/Mitrovica.

In the Supreme Courts and District Courts and in the regions, EULEX judges presided over a number of trials in mixed panels. Cases included those involving the incitement of national or ethnic hatred, war crimes, murder and corruption. For example, in September, a mixed panel of EULEX and Kosovo judges found two former members of the Kosovo Police guilty of murder in connection with an explosion in a Pristina café in 2007, which had claimed the lives of two and injured several others, and sentenced them to 25 years of imprisonment.

On 2 October, a verdict was delivered in a high-profile war crimes case in which one of the defendants, Rrustem "Remi" Mustafa, is a former commander of the Kosovo Liberation Army and a current member of the Kosovo Assembly. The panel sentenced the defendants to three to six years of imprisonment for inhumane treatment of prisoners in 1998 and 1999.

EULEX judges working in the area of civil justice in the district and municipal courts in Kosovo addressed a number of civil property cases, all of which included an inter-ethnic dimension. EULEX property claims commissioners and EULEX Supreme Court judges who sit on the panel dealing with appeals related to the Kosovo Property Agency continued to carry out their duties in accordance with their mandates.

EULEX legal advisers reviewed a number of draft laws and made recommendations as to how they might be improved. These included draft laws on judicial reform, concerning courts, the Prosecutor's Office, the Kosovo Judicial Council and the Kosovo Prosecutorial Council. EULEX experts also contributed to work on, inter alia, the draft terrorism law and draft laws against domestic violence,

on the Ombudsperson institution, on the execution of penal sanctions and obligations and on the draft criminal code and criminal procedure code.

EULEX has also been reviewing the draft Kosovo law on the civil service and participated in a review of amendments to the draft juvenile justice code. EULEX also contributed to a new draft law on the prevention of money-laundering and terrorist financing, which received government approval in November.

EULEX helped to foster the operational capability of the Kosovo Judicial Council and raised its awareness of its institutional role as a watchdog with respect to the independence and effectiveness of the judiciary. Two of its five members are from EULEX. The Council is responsible for the appointment of judges and prosecutors and for disciplinary measures. There is a backlog of disciplinary cases that need to be dealt with, involving members of the Kosovo judiciary.

The recommendation put forward by EULEX judges that decisions in Supreme Court appeal cases be pronounced in open court at the end of hearings was adopted in September and has been implemented in all cases since.

From September to December 2009, the Office on Missing Persons and Forensics, which is jointly led by a EULEX head and a Kosovo head, conducted 29 autopsies of war victims and 65 new autopsies, death scene investigations, forensic clinical examinations, field assessments and exhumations and handed over 21 bodily remains to families. It had a number of meetings with family associations and families. An UNMIK forensic expert responsible for liaison with Belgrade works in the Office.

EULEX judges continued to monitor the work of the Conditional Release Panel, regularly attending its hearings. Each month, they monitor approximately 50 cases. The EULEX Correctional Unit provided monitoring, mentoring and advice to the Kosovo Correctional Service in various areas of its work, and also provided prison escorts.

Customs

EULEX Customs monitored, mentored and advised the Kosovo Customs Service at border and boundary crossing points, with the exception of north Mitrovicë/Mitrovica, and at Pristina airport. EULEX continued the practice of copying commercial invoices and stamping documents at customs gates 1 and 31 in the north of Kosovo, and began to copy documents related to cargoes carried into northern Kosovo by train. The copied documents are shared with the Kosovo Customs Service and the Serbian Customs Administration, which have stated that this cooperation has enabled them to detect a number of criminal acts. The advice provided by EULEX to Kosovo Customs counterparts has resulted in a number of seizures throughout Kosovo.

EULEX re-established customs infrastructure at gates 1 and 31; this included the setting up of control booths and closed-circuit television cameras. Both Pristina and Belgrade authorities were kept informed during the entire process. However, the restoration of full customs control in northern Kosovo remains subject to an agreement among stakeholders on the collection of customs duties and the distribution of revenues.

EULEX Customs have been closely involved in reviewing and proposing amendments to the Customs and Excise Code for Kosovo. EULEX had noted substantive differences between the Albanian-language version and the English and Serbian versions. This should be completed by the end of 2009.

EULEX Customs are monitoring the establishment by the Minister for Finance and Economy of the Independent Review Board, which receives appeals against Customs and Tax Administration decisions. There is a backlog of approximately 1,000 appeals pending.

Approved by Yves **de Kermabon**
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 December 2009)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Pakistan	1
Russian Federation	1
Slovenia	1
Turkey	1
Ukraine	1
Total	**8**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 December 2009)

Country	*Number*
Czech Republic	1
Denmark	1
Norway	1
Poland	1
Romania	1
Russian Federation	1
Spain	1
Turkey	1
Ukraine	1
Total	**9**

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